

Applicants: Steven D. Goedeke et al.

Serial No.: 09/731,178

Page 4

### REMARKS

In the above referenced Office Action, the specification was objected to because certain applications cited by serial number have matured into patents. The information has been updated with the present amendment and the objection is obviated.

Claims 1-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Snell. The Examiner has thus acknowledged that Snell is deficient in its teachings, as it does not anticipate the claims, yet has not provided any secondary references teaching the deficiencies and providing a motivation to combine the same. Thus, on its face the rejection fails to present a *prima facie* case of obviousness and is improper.

Specifically, Snell fails to teach and the Examiner has failed to provide a secondary reference that teaches a "system for interfacing with an implanted medical device" having a "speech recognition circuit coupled to the microphone and adapted to recognize an audio signal from the microphone, the audio signal corresponding to one of a subset of commands from a set of commands." In addition, no reference or combination of references has been provided that teaches a "processor arrangement coupled to the speech recognition circuit and to the display device, the processor arrangement configured to . . . select the subset of commands as a function of the device state," as referenced in claim 1. Thus, the rejection is unsupported by the art and should be withdrawn.

The Examiner has dismissed significant portions of the claims and has provided the opinion that "the Examiner takes Official Notice that it is old and notoriously well known to have context-sensitive commands, and to display them for user selection by voice . . . from a displayed menu." With respect, Applicant asserts that the Examiner must consider the claims as a whole and not focus on elements in isolation. The present invention is directed to voice recognition of commands for a programmer for an implantable medical device. Certain problems have been noted with respect to other attempts to address this issue. Namely, commercial voice recognition software has proven ineffective in several ways. First, the software uses too much processing power and takes too much memory as the goal of such software is to recognize as much verbage as possible. Secondly, in order to function, such software is generally trained

Applicants: Steven D. Goedeke et al.  
Serial No.: 09/731,178  
Page 5

to a given user; again, to maximize the volume of recognized words. Third, such software functions slowly and is adversely affected by background noise. Thus, the present invention addresses these issues by providing voice recognition circuitry that only recognizes a relatively small set of commands. Only a subset of these commands are accessible at a given time based on the state of the IMD. Thus, processing power is reduced, memory requirements are reduced, the user need not train the software as the limited set can be recognized from a variety of people (user authentication and security being a separately addressed issue in the present invention) and the system functions better in the context of use with a programmer for an IMD.

Snell specifically and only teaches the use of commercial voice recognition software. Col. 5, lines 61-66 and Col. 6, lines 18-22. Thus, this device suffers the drawbacks previously discussed and does not include the speech recognition circuitry presently claimed and the rejection should be withdrawn. Should the Examiner maintain such a rejection, Applicant specifically requests a properly combinable secondary reference that teaches the absent features and that provides a legally sufficient motivation to combine. The remainder of the claims are allowable for similar reasons.

The application is in condition for allowance and notice of the same is respectfully requested.

Respectfully submitted,

Date: 7/10/03

  
\_\_\_\_\_  
Daniel G. Chapik  
Registration No. 43,424  
MEDTRONIC, INC.  
Telephone: (763) 514-3066  
Facsimile: (763) 514-6982



27581